

DEPARTMENT OF LAND AND NATURAL RESOURCES
Amendments to Chapter 13-95
Hawaii Administrative Rules

(Date)

1. Section 13-95-70, Hawaii Administrative Rules, is amended to read as follows:

§13-95-70 Stony corals. (a) [The intentional taking, breaking, or damaging with crowbar, chisel, or any other implement of any live stony coral of the taxonomic order, Madreporaria, including the Fungidae or Pocilloporidae families, is prohibited except with a permit authorized under sections 183-41 or 187A-6, HRS, or by section 13-74-43, or as maybe otherwise authorized by law.] It is unlawful for any person to take stony coral, or to break or damage any stony coral with a crowbar, chisel, hammer, or any other implement.

(b) [No person shall sell or offer for sale as souvenirs any stony coral of the taxonomic order, Madreporaria, of the species *Montipora verrucosa*, *Fungia scutaria*, *Pocillopora damicornis*, *Pocillopora meandrina*, *Pocillopora eydouxi*, *Porites compressa*, *Porites lobata*, and *Tubastraea coccinea*, provided that stony coral souvenirs shall not include] It is unlawful for any person to sell any stony coral; except that stony coral rubble pieces or fragments imported for the manufacture and sale of coral jewelry or stony coral obtained through legal dredging operations in Hawaii for agricultural or other industrial uses may be sold. [Eff 12/3/98; am] (Auth:

2. Section 13-95-71, Hawaii Administrative Rules, is amended to read as follows:

"§13-95-71 Live rocks. [The intentional taking, breaking, or damaging] (a) It is unlawful for any person to take live rock, or to break or damage with crowbar, chisel, or any other implement [of], any rock or coral to which marine life is visibly attached or affixed [is prohibited except with a permit authorized under sections 183-41 or 187A-6, HRS, or by section 13-74-43, or as maybe otherwise authorized by law].

(b) It is unlawful for any person to sell any rock or coral to which marine life is visibly attached or

affixed." [Eff 12/3/98; am] (Auth: HRS
§187A-5) (Imp: HRS §187A-5)

3. Section 13-95-1, Hawaii Administrative Rules, is amended by adding a new definition to read as follows:

"Break" means to hit with, or to apply sufficient force to reduce to smaller pieces or to crack without actually separating into pieces."

4. Section 13-95-1, Hawaii Administrative Rules, is amended by adding a new definition to read as follows:

"Damage" means to smash, trample, or otherwise cause extensive injury resulting in irreparable harm or death."

5. Section 13-95-1, Hawaii Administrative Rules, is amended by adding a new definition to read as follows:

"Live rock" means any rock or coral to which marine life is visibly attached or affixed."

6. Section 13-95-1, Hawaii Administrative Rules, is amended by adding a new definition to read as follows:

"Stony coral" means any of a variety of invertebrate species belonging to the order Scleractinia characterized by having a hard, calcareous skeleton that are native to the Hawaiian islands."

7. Material, except source notes, to be repealed is bracketed. New material is underscored.

APPROVED FOR PUBLIC HEARING:

/s/William Wynhoff

Deputy Attorney General

DEPARTMENT OF LAND AND NATURAL RESOURCES
Amendments to Chapter 13-104
Hawaii Administrative Rules

(DATE)

1. Section 13-104-2, Hawaii Administrative Rules, is amended to read as follows:

"Camping" means being in possession of a backpack, tents, blankets, tarpaulins, or other obvious camping paraphernalia, [which necessarily involves overnight sleeping,] any time after one hour after sundown until sunrise in a forest reserve.

2. Section 13-104-2, Hawaii Administrative Rules, is amended by adding a new definition to read as follows:

"Commercial Activity" means the use of or activity in the forest reserve for which compensation is received by any person for goods or services or both rendered to customers or participants in that use or activity. Commercial activities include activities whose base of operations are outside the boundaries of the forest reserve, or provide transportation to or from the forest reserve.

3. Section 13-104-2, Hawaii Administrative Rules, is amended by adding a new definition to read as follows:

"Compensation" includes but is not limited to, monetary fees, barter, or services in-kind.

4. Chapter 13-104, Hawaii Administrative Rules, is amended to add a new section.

§13-104- Commercial Activities. No person shall engage in commercial activities of any kind in a forest reserve without a written permit from the board or its authorized representative.

5. Materials, except source notes, to be repealed
is bracketed. New material is underscored.

APPROVED FOR PUBLIC HEARING:

/s/William Wynhoff

Deputy Attorney General

DEPARTMENT OF LAND AND NATURAL RESOURCES
Amendments to Chapter 13-130
Hawaii Administrative Rules

(DATE)

1. Section 13-130-49, Hawaii Administrative Rules, is amended to read as follows:

§13-130-49 Penalties. Any person who violates any provision of this chapter or any condition or provision of a permit issued pursuant thereto shall be punished as provided in chapter 198D, HRS. [shall be held liable for all costs of clean up and restoration, and damages to public or private property; shall be subject to the confiscation and forfeiture of any tools and equipment used in the violation as well as any plants, objects, or artifacts removed illegally from the program trail and access; shall be guilty of a petty misdemeanor; and shall be subject to a fine of \$500, per incident.] Each violation shall be considered a separate incident for the purposes of this section. [Eff. 4/24/99; am.]
(Auth: HRS §198D-6) (Imp: HRS §198D-6).

2. Section 13-130-2, Hawaii Administrative Rules, is amended by adding a new definition to read as follows:

"Camping" means being in possession of a backpack, tents, blankets, tarpaulins, or other obvious camping paraphernalia, any time after one hour after sundown until sunrise along a program trail or access.

3. Material, except source notes, to be repealed is bracketed. New material is underscored.

APPROVED FOR PUBLIC HEARING:

/s/William Wynhoff
Deputy Attorney General

DEPARTMENT OF LAND AND NATURAL RESOURCES
Amendments to Chapter 13-146
Hawaii Administrative Rules

(Date)

1. Section 13-146-2, Hawaii Administrative Rules, is amended to read as follows:

"Camping" means remaining within a designated camping area during [park] [closing]~~closed~~ hours or remaining within a state park while in possession of a sleeping bag, tent, tarpaulin, or other camping paraphernalia within the state park one hour after sunset until sunrise.[sleeping during nighttime hours on the premises or the use or occupation of the premises by one or more persons who remain or intend to remain on the premises between the hours of twelve midnight and one half hour before sunrise, except persons with camping or lodging permits or other types of permits or authorization from the board or its authorized representatives to remain on the premises for other purposes.]

2. Section 13-146-2, Hawaii Administrative Rules, is amended by adding a new definition to read as follows:

"Commercial Activity" means the use of or activity in a state park for which compensation is received by any person for goods or services or both rendered to customers or participants in that use or activity. Display of merchandise, demanding or requesting gifts, money, or services, except as allowed by chapter 13-7, shall be considered commercial activity. Commercial activities include activities whose base of operations are outside the boundaries of the state park, or provide transportation to or from the state park.

3. Section 13-146-2, Hawaii Administrative Rules, is amended by adding a new definition to read as follows:

"Compensation" includes, but is not limited to monetary fees, barter, or services in-kind.

4. Chapter 13-146, Hawaii Administrative Rules, is amended by adding a new section to read as follows:

§13-146- Commercial Activities. No person shall engage in commercial activities of any kind, without a written permit from the board or its authorized representative.

5. Section 13-146-37 is repealed.

[§13-146-37 Soliciting. No person shall engage in solicitation of any kind, including displaying merchandise or demanding or requesting gifts, money, or services, except as allowed by chapter 13-7, without a written permit from the board or its authorized representative. [Eff 4/16/90; am and comp 6/8/99] (Auth: HRS §171-6) (Imp: HRS §171-6)]

6. Material, except source notes, to be repealed is bracketed. New material is underscored.

APPROVED FOR PUBLIC HEARING:

/s/William Wynhoff
Deputy Attorney General

DEPARTMENT OF LAND AND NATURAL RESOURCES
Amendments to Chapter 13-221
Hawaii Administrative Rules

(DATE)

1. Section 13-221-2, Hawaii Administrative Rules, is amended to read as follows:

"Camping" [means an act of sleeping during night time hours on the premises by one or more persons who remain or intend to remain past the hour of twelve midnight] means the possession of a backpack, tents, blankets, tarpaulins, or other obvious camping paraphernalia any time after one hour after sundown until sunrise on unencumbered state lands.

2. Section 13-221-2, Hawaii Administrative Rules, is amended by adding a new definition to read as follows:

"Commercial Activity" means the use of or activity on state land for which compensation is received by any person for goods or services or both rendered to customers or participants in that use or activity. Display of merchandise or demanding or requesting gifts, money, or services, except as allowed by chapter 13-7, shall be considered commercial activity. Commercial activities include activities whose base of operations are outside the boundaries of the unencumbered state lands, or provide transportation to or from the unencumbered state lands.

3. Section 13-221-2, Hawaii Administrative Rules, is amended by adding a new definition to read as follows:

"Compensation" includes, but is not limited to monetary fees, barter, or services in-kind.

4. Chapter 13-221, Hawaii Administrative Rules, is amended to add a new section to read as follows:

13-221- Commercial Activities. No person shall engage in commercial activities of any kind without a written permit from the board or its authorized representative.

5. Section 13-221-31 is repealed.

[§13-221-31 Soliciting. No person shall engage in soliciting of any kind without a written permit. [Eff 2/6/88] (Auth: HRS §171-6) (Imp: HRS §171-6)]

6. Material, except source notes, to be repealed is bracketed. New material is underscored.

APPROVED FOR PUBLIC HEARING:

/s/William Wynhoff
Deputy Attorney General

DEPARTMENT OF LAND AND NATURAL RESOURCES
Amendments to Chapter 13-209
Hawaii Administrative Rules
(subject to final approvals)

(DATE)

1. Section 13-209-2, Hawaii Administrative Rules, is amended by adding two definitions to read as follows:

13-209-2 Definitions.

"Commercial Activity" means the use of or activity on state lands for which compensation is received by any person for goods or services or both rendered to customers or participants in that use or activity. Commercial activities include activities whose base of operations are outside the boundaries of the natural area reserve, or provide transportation to or from the natural area reserve.

"Compensation" includes but is not limited to, monetary fees, barter, or services in-kind.

2. Section 13-209-4, Hawaii Administrative Rules, is amended by adding one prohibition to read as follows:

13-209-4 Prohibitions.

"No person shall engage in commercial activities of any kind in a natural area reserve without a written special use permit from the board or its authorized representative."

3. New material is underscored.

APPROVED FOR PUBLIC HEARING:

/s/ William Wynhoff
Deputy Attorney General